



Town Council Agenda Report

SUBJECT: QUASI-JUDICIAL - VARIANCE

TITLE OF AGENDA ITEM:

V 8-2-99 - "Stirling 67" The Costoya Group, Inc., petitioner / Francisco & Caridad C. Costoya, owners - 6690 Stirling Road, generally located at the southeast corner of Stirling Road and NW 67 Avenue.

REPORT IN BRIEF:

The petitioner is currently proposing to invest approximately \$450,000 in order to renovate the existing site. The renovation will include expansion of the existing building from 1,435 square feet to 2,375 square feet (difference of 940 sq. ft.), exterior facade improvements, reconfiguration of drive aisle circulation, and an increase in landscape area. The petitioner wishes to bring the site into compliance with current code requirements to the maximum extent possible, as it was originally developed under different less stringent code requirements. Therefore, the petitioner is requesting a variance from the following code requirements which cannot be met given the existing site configuration. Minimum lot area of 43,560 square feet, minimum 250 foot separation between gas stations and residential properties, and the required landscape buffer of 20 feet along arterial or local roads.

The proposed renovation will provide approximately 10% more landscaping exceeding the minimum 30% open/green space requirements. The proposed renovation will also meet all parking requirements, including handicapped standards, building standards, site lighting, irrigation, drainage and general overall aesthetic improvements. These improvements will also eliminate through traffic at the rear of the building adding additional green area, thus providing an additional buffer to properties south of the site. The landscape buffers will meet code on all perimeters, except for 100 feet of frontage along Stirling Road, in order to provide sufficient access and radius movement at the gas pumps. However, the petitioner is providing a 3 foot landscape strip for this area where there was none before. Staff finds there are special circumstances affecting this property which do not generally apply to other properties within the same zoning district, and can be considered not to be self-created.

PREVIOUS ACTIONS:

In 1980, the Town Council approved a previous renovation to this building.

CONCURRENCES:

The Planning and Zoning Board recommended approval (5-0) at its September 22, 1999 meeting.

Staff recommends approval with finding that there are special circumstances affecting this property which do not generally apply to other properties within the same zoning district and can be considered not to be self-created, the request can be considered to be in harmony with the general purpose and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

FISCAL IMPACT: Is appropriation required? No Funding appropriated? No

RECOMMENDATION(S):

Motion to approve the requested variance subject to the planning report.

Attachment(s): Planning Report, Variance Application, Land Use Map, Subject Site Map, and Aerial.

TOWN OF DAVIE
DEVELOPMENT SERVICES DEPARTMENT
PLANNING AND ZONING DIVISION
PLANNING REPORT

SUBJECT: Variance V 8-2-99

APPLICANT: The Costoya Group, Inc., petitioner / Francisco & Caridad C.
Costoya, owners.

ADDRESS/LOCATION: General Address: 6690 Stirling Road/Generally located at the southeast corner of Stirling Road and NW 67 Avenue.

LAND USE PLAN/ZONING: Commercial / B-3 (Planned Business Center)

REQUEST: **From:** Section 12-34(Y)(1), **To:** reduce the minimum lot area of 43,560 square feet to 26,250 square feet; and **From:** Section 12-34(Y)(2), **To:** reduce the minimum separation between uses from 250 feet to 185 feet; and **From:** Section 12-107(D)(5), **To:** reduce the minimum landscape buffer along arterial and local streets from 20 feet wide to 3 feet wide.

EXHIBITS TO BE INCLUDED: Variance application, subject site map, planning report, and aerial.

DESCRIPTION: The subject site area contains .589 acres. This site is bound on the north, across Stirling Road, by land zoned B-2, Community Business District, on the south and the east by land zoned B-3, Planned Business Center, and on the west, across NW 67 Avenue by land zoned B-2, Community Business District.

This property was originally platted on June 23, 1960, under the jurisdiction of Broward County. Following plat approval, the owner received Broward County site plan approval for a gas/service station. Several years later, this property was annexed by the Town of Davie upon certain terms and conditions. In 1980, the existing building underwent renovations which required Town review. At the time this renovation occurred, the building was required to be designed with a Western Theme motif as it fell within the designated Western Theme overlay district. Since this time, the Western Theme overlay district has been revised, which removed this property from the Western Theme requirements.

REQUEST:

The petitioner is currently proposing to invest approximately \$450,000 in order to renovate the existing site. The renovation will include expansion of the existing building from 1,435 square feet to 2,375 square feet (difference of 940 sq. ft.), exterior facade improvements, reconfiguration of drive aisle circulation, and an increase in landscape area. Town policy requires that any renovations to existing uses is required to bring the site in compliance with current code requirements. However, at the time this site was originally developed, certain codes were not in place, therefore, the petitioner is requesting a variance from the minimum lot area of 43,560 square feet, minimum 250 foot separation between gas stations and residential properties, and the required landscape buffer of 20 feet along arterial or local roads.

ANALYSIS:

The proposed renovation will provide approximately 10% more landscaping exceeding the minimum 30% open/green space requirements. The proposed renovation will also meet all parking requirements, comply with handicap standards, comply with building and site lighting standards, irrigation, drainage and general overall aesthetic improvements. These improvements will also eliminate through traffic at the rear of the building adding additional green area, thus providing an additional buffer to properties south of the site. The landscape buffers will meet code on all perimeters, except for 100 feet of frontage along Stirling Road, in order to provide sufficient access and radius movement at the gas pumps. However, the petitioner is providing 3 feet of grass for this area where there was none before (see Exhibit "A", as-built survey, and Exhibit "B", proposed site plan).

The site has existed as a service station for over 25 years and was constructed under less stringent code requirements in effect at the time of construction. The existing service station is a legal nonconforming use, and as such, does not have to comply with existing code requirements. However, the petitioner wishes to bring the site into compliance with current code requirements to the extent possible given factors beyond petitioner's control, such as the site's small land area and, relative to the 250 foot distance requirement between fuel pumps and residential areas, its location adjacent to a residential neighborhood. While the petitioner proposes to expand the existing structure as part of site renovation, the expansion does not reduce the site's code compliance potential given the existing use.

Staff finds there are special circumstances affecting this property which do not generally apply to other properties within the same zoning district, and are not self-created, as the site cannot meet the 250-foot distance separation requirement between fuel pumps and residential areas. Additionally, the subject site is substantially smaller than the minimum code requirement for lot area which limits the applicant's ability to provide the required landscape buffer along 57 percent of the Stirling Road frontage while also providing an adequate rear setback and landscape buffer to the adjacent residential neighborhood.

RECOMMENDATION: Therefore, the Planning and Zoning Division recommends **APPROVAL** of the requested variance to reduce the required minimum lot area of 43,560 square feet to 26,250 square feet, reduce the required 250 foot separation between uses to 185 feet, and reduce the required landscape buffer along arterial and local roads from 20 feet to 3 feet for a distance of 100 feet along Stirling Road, with a finding that the request is not self-created, and can be considered to be in harmony with the general purpose and intent of the code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

PLANNING AND ZONING BOARD RECOMMENDATION: The Planning and Zoning Board recommended **APPROVAL** (5-0) at its September 22, 1999 meeting.

Prepared by: _____

Reviewed by: _____

**TOWN OF DAVIE
CODE OF ORDINANCES
(EXCERPT)**

Section 12-309. Review for variances.

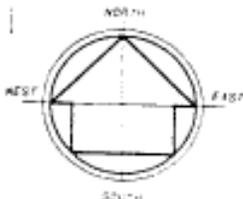
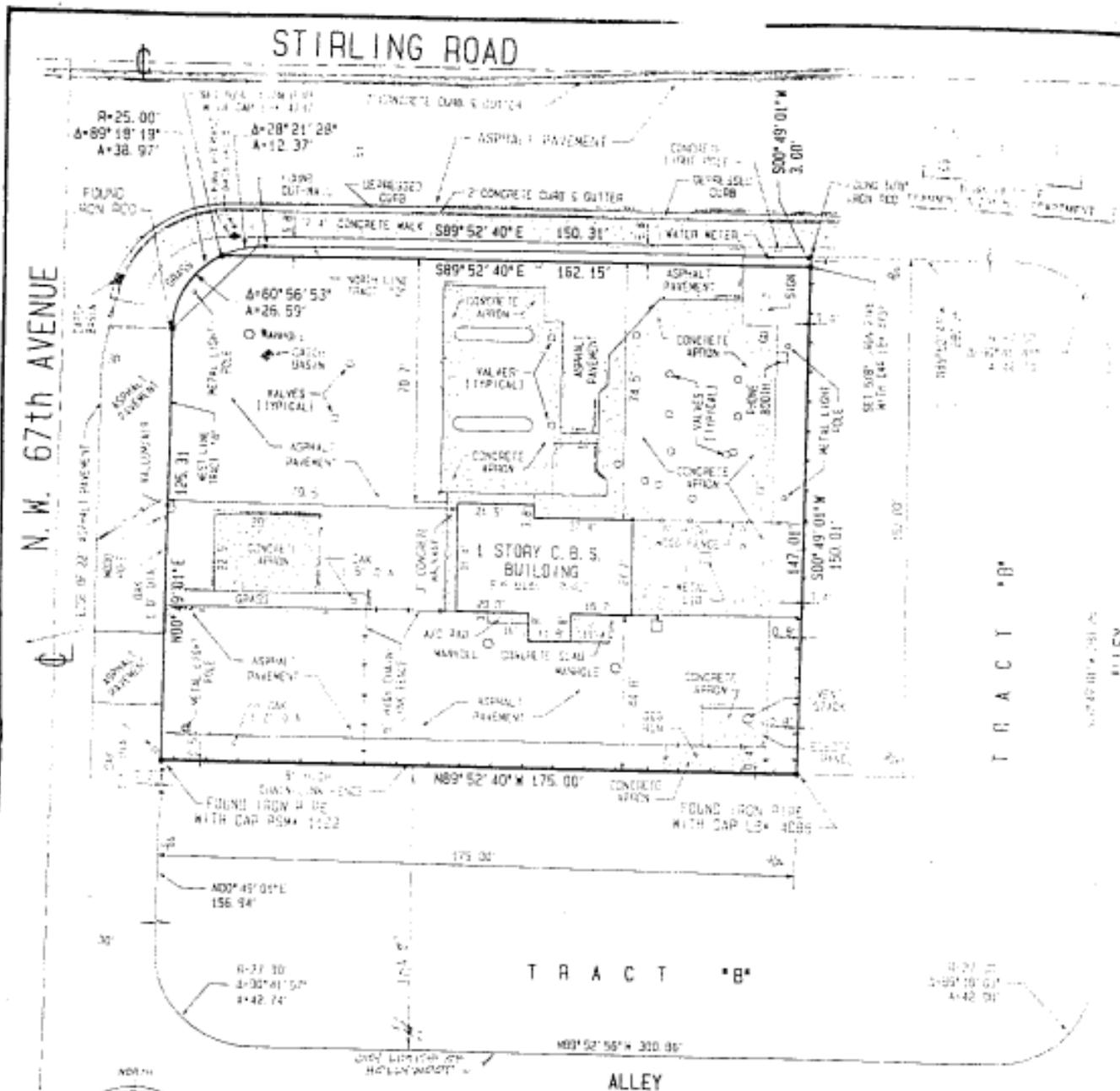
Whether or not:

(a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;

(b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;

(c) That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

EXHIBIT "A"



SURVEYOR'S NOTES:

- 6. BENCHMARK: BROWARD COUNTY ENGINEER NO. DIVISION B.M. 2002 - NAIL & PEG NO. 2002 10' ON CURB - NORTH EDGE OF PAVEMENT OF STIRLING ROAD - 20' N. WEST OF & NW CORN AVENUE, ELEVATION = 7.92
- 7. ELEVATIONS SHOWN ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929.

LEGEND:

- CONC DENOTES CONCRETE
- CONC. B.S. DENOTES CONC. BLOCK STRUCTURE
- DADE CO. DENOTES DADE COUNTY RECORDS
- BROWARD CO. DENOTES BROWARD COUNTY RECORDS

LAND DESCRIPTION:

THE NORTH 150 FEET OF THE 400' X 175 FEET OF TRACT "B", HERITAGE LAKE ESTATES SECTION ONE, AS RECORDED IN PLAT BOOK 53, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS THE NORTH 3.00 FEET THEREOF. SAID LANDS CONTAINING 129,545 SQ. FT. OR 2.929 ACRES, MORE OR LESS.

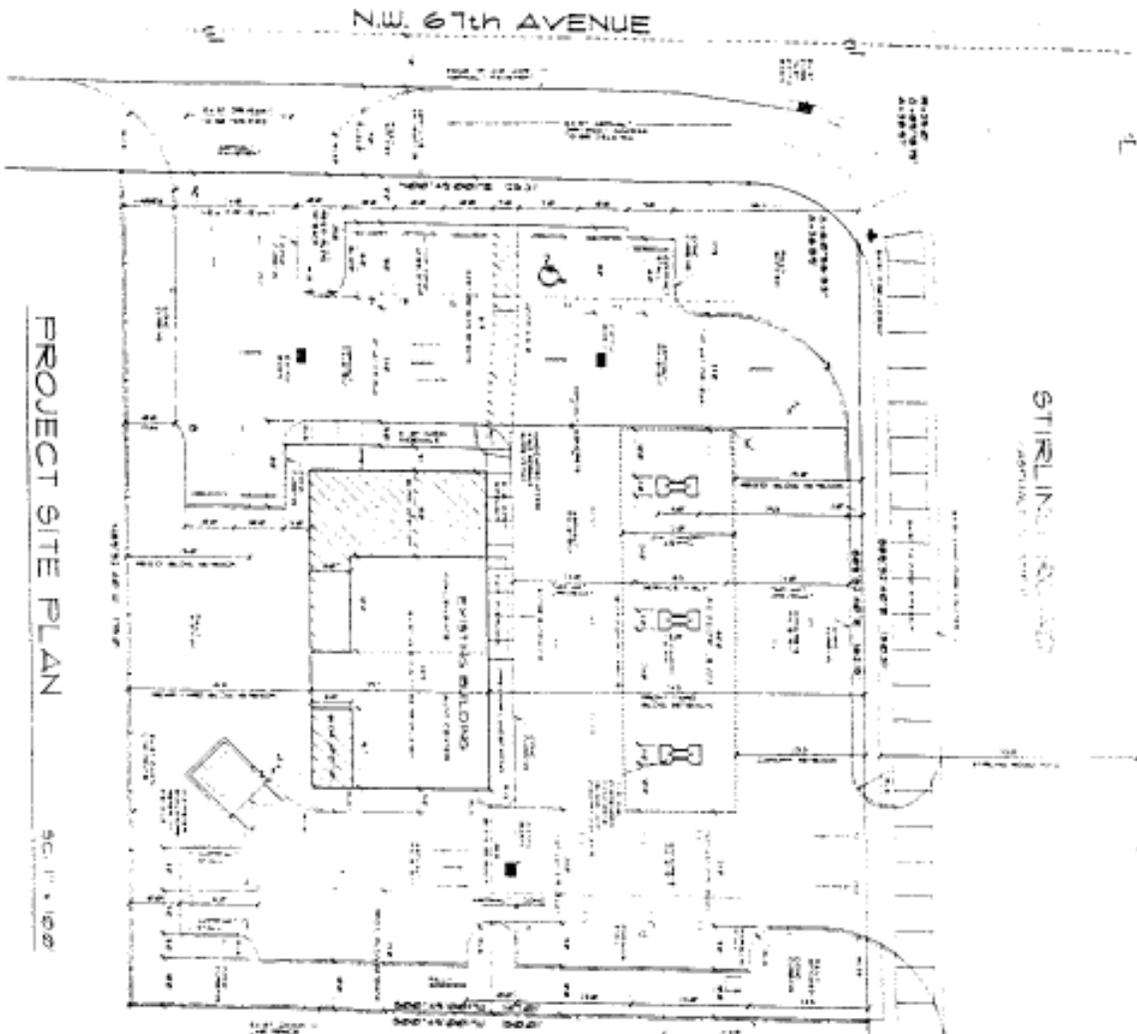
CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE N.Y.N.M.

SURVEYOR'S NOTES:

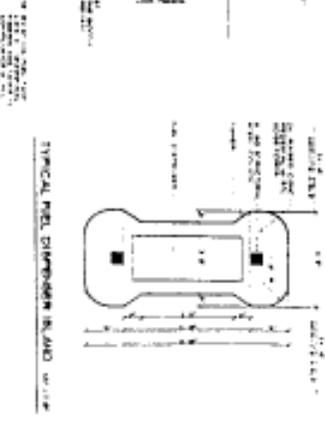
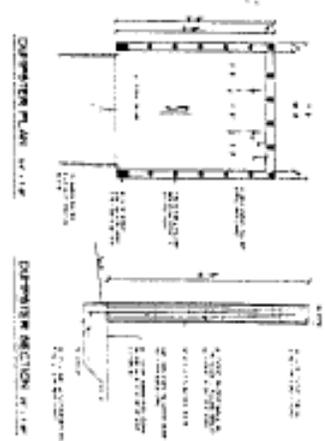
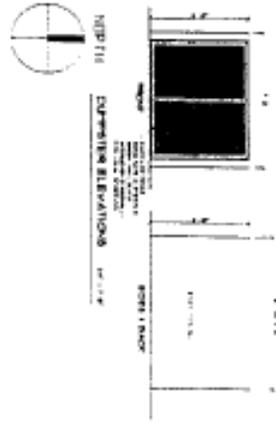
- 1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
- 2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR 30 DAYS OF ANY.

EXHIBIT "B"



PROJECT SITE PLAN

SCALE: 1" = 100'



SP-1

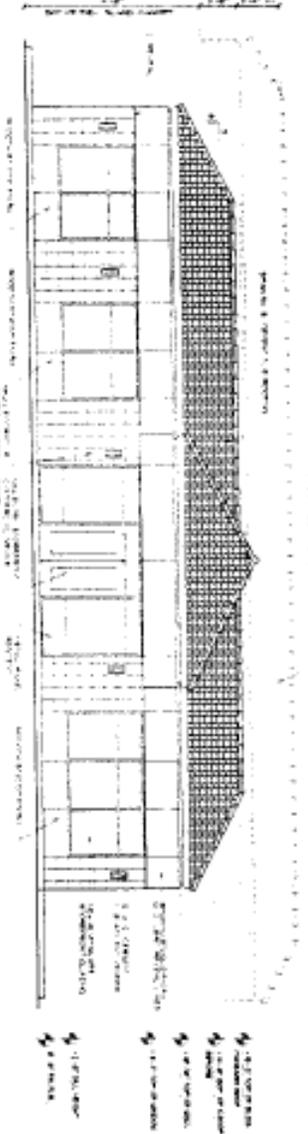
DATE	11/11/11
BY	J. M. HARRIS
CHECKED BY	J. M. HARRIS
SCALE	AS SHOWN
PROJECT	STIRLING 67
SHEET NO.	SP-1
TOTAL SHEETS	1

STIRLING 67
 SITE & BLDG. IMPROVEMENTS
 6690 STIRLING ROAD

The Cotyco Group, Inc.
 ARCHITECTS and PLANNERS
 10000 N.W. 11th Street, Suite 100, Miami, FL 33150
 Phone: (305) 551-1100 Fax: (305) 551-1101
 www.cotyco.com

NO. 10714	DATE	11/11/11

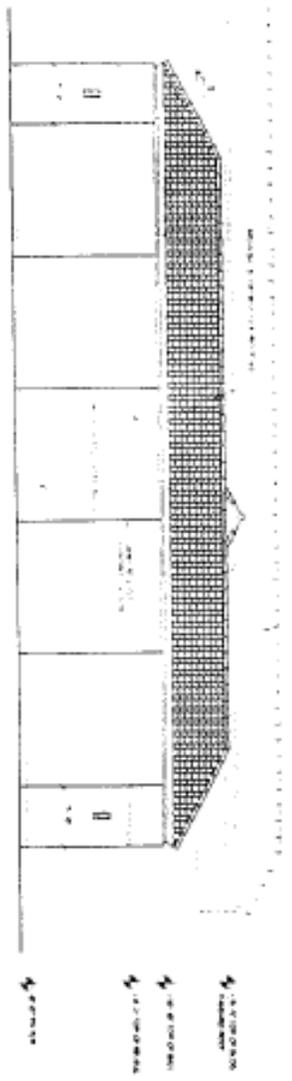
NO. 10714	DATE	11/11/11



FRONT ELEVATION

VIEW TOWARD NORTH (STIRLING ROAD)

SCALE: 1/8" = 1'-0"

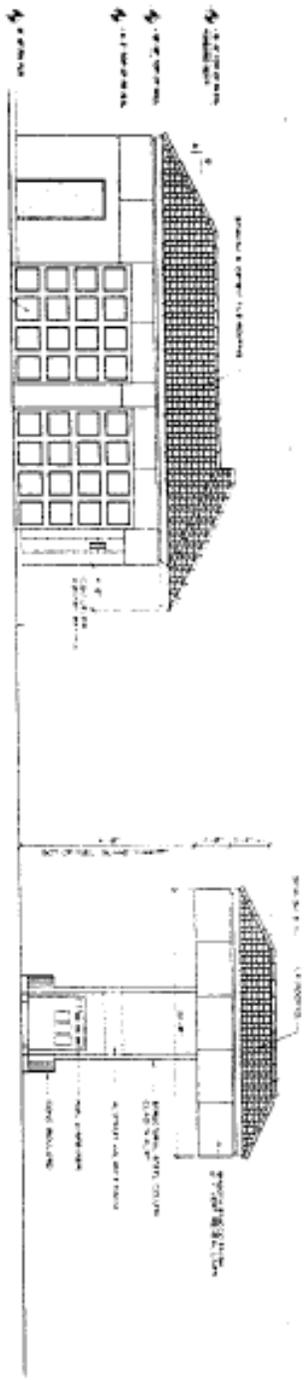


REAR ELEVATION

VIEW TOWARD SOUTH

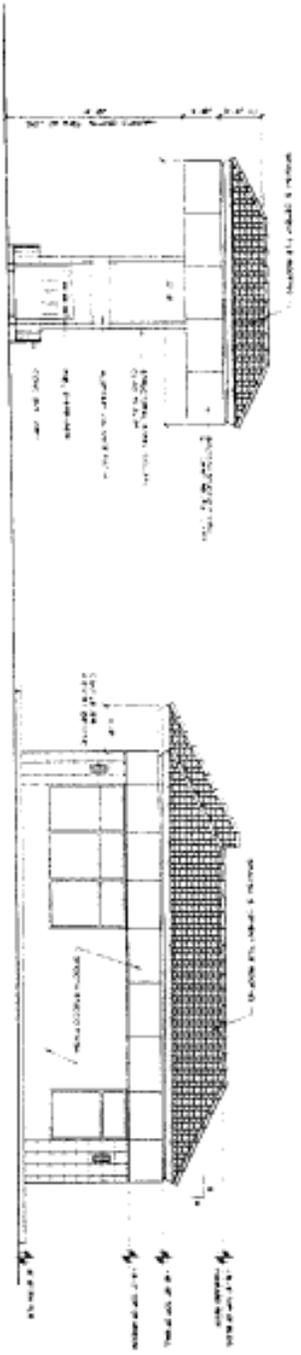
SCALE: 1/8" = 1'-0"

<p>DATE: 11/11/03</p>	<p>PROJECT: STIRLING 61</p>	<p>The Costoya Group, Inc. ARCHITECTS and PLANNERS 1000 West 10th Street, Suite 100 Fort Lauderdale, FL 33304 Phone: (954) 571-1111 Fax: (954) 571-1112</p>	<p>STIRLING 61 SITE & BLDG. IMPROVEMENTS 6050 STIRLING ROAD TOWN OF DAVIE FLORIDA</p>	<p>DATE: 11/11/03</p>	<p>SCALE: 1/8" = 1'-0"</p>	<p>PROJECT: STIRLING 61</p>	<p>DATE: 11/11/03</p>
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LEFT SIDE ELEVATION
VIEW FACING EAST

SCALE: 1/4" = 1'-0"



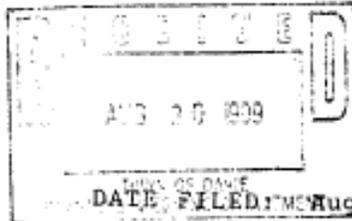
RIGHT SIDE ELEVATION
VIEW FACING WEST

SCALE: 1/4" = 1'-0"

SHEET NO. A-3 OF 7 SHEETS	PROJECT NO. DATE DRAWN BY CHECKED BY COMMENTS	TITLE STIRLING 67 SITE & BLDG IMPROVEMENTS 6630 STIRLING ROAD TOWN OF DAVIE FLORIDA	 The Costco Group, Inc. ARCHITECTS AND PLANNERS 10000 W. 11th Ave., Suite 100 Denver, CO 80202-3100	REVISIONS NO. DESCRIPTION DATE	SCALE DATE
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EXISTING ZONING: B-3
CODE SECTION:
PROPOSED ZONING: B-3
CODE SECTION:
LAND USE DESIGNATION: COMMERCIAL
FOLIO NUMBER 11102-22-09110

TOWN OF DAVIE USE ONLY
PETITION NO. V8-2-99
FEE. \$930.00
RECEIPT NO. 7714



TOWN OF DAVIE
VARIANCE APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)
Make Checks payable to TOWN OF DAVIE

DATE FILED: August 30, 1999 PHONE: (305) 598-4603

PETITIONER: THE COSTOYA GROUP, INC. Francisco Costoya Jr. A.I.A.
MAILING ADDRESS: 8900 S.W. 117th. Ave. Suite B-105, Miami, Fl. 33186
RELATIONSHIP TO PROPERTY: Agent for Property owner
OWNER: Francisco and Caridad C. Costoya
MAILING ADDRESS: 10190 S.W. 2nd. St. Plantation, Florida 33324-2230
ADDRESS OF PROPERTY: 6690 Stirling Road, Davie, Florida 33024

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):
The North 150.0 feet of the West 175.0 feet of tract "B", "Heritage Lake" Section one as recorded P.B. 53, Pg. 16 less the North 3.0 there
ACREAGE: 0.589 acres (25,645 sq. feet)

REQUEST: PROPERTY SIZE, GREEN BUFFER @ PROPERTY FRONT.

REASON FOR REQUEST: (attach additional sheet as necessary)

REFER TO ATTACHED "REASON FOR REQUEST" EXHIBIT

*** PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN ***

1st Conference 9/26/99 JAL OFFICE USE ONLY
APPROVED AS TO FORM: Opt PUBLICATION DATE: _____
MEETING DATE: PLANNING AND ZONING BOARD: 9/22/99 TOWN COUNCIL: 10/6/99
NOTICES SENT: 10 REPLIES: FOR: _____ AGAINST: _____
UNDELIVERABLE: _____

Francisco and Caridad C. Costoya

OWNER'S NAME(S)

Francisco Costoya & Caridad Costoya

OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)

10190 S.W. 2nd. St.

ADDRESS

Plantation, Florida 33324-2230

CITY, STATE, ZIP

(954) 472-2535

PHONE

THE COSTOYA GROUP, INC.

Francisco Costoya Jr. A.T.A.

PETITIONER'S NAME

PETITIONER'S SIGNATURE

8900 S.W. 117th. Ave. Suite B-105

ADDRESS

Miami, Florida 33186

CITY, STATE, ZIP

(305) 598-4603

PHONE

The foregoing instrument was acknowledged before me

this 27th day of August, 1999, by

Francisco Costoya Jr. & Caridad Costoya who is personally

known to me or who has produced PERSONNEL
KNOWN

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: [Signature]

Print: DOMINGO H. COSTOYA

My Commission Expires:

The foregoing instrument was acknowledged before me

this 27th day of August, 1999, by

Francisco Costoya Jr. who is personally

known to me or who has produced PERSONNEL
KNOWN

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: [Signature]

Print: DOMINGO H. COSTOYA

My Commission Expires:

OFFICE USE ONLY

The Costoya Group, Inc.



Architects • Planners • Interior Designers

Member American Institute of Architects

AR0012155 AAC002063 ID0003643



August 30, 1999

Development Services Department
Planning & Zoning Board
Town Council Members
Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

"Reason for Variance Request Letter"
for Stirling "67"

Respectfully submitted for consideration by the Planning and Zoning Committee Board Members and the Town Council Members.

I. GENERAL INFORMATION

- Subject Property Location: 6690 Stirling Road
- Property Legal Description: The North 150.00 of the West 175.0 feet of Tract "B" Heritage Lakes Estates Section One as recorded in P.B. 53, page 16 of the public records of Broward County, Florida less the North 3.0 feet.
- Property Zoning: B-3 Planned Business Center District.
- Land Use Designation: Commercial

- Property Size (150 x 175) 26,250 s.f. +/- .60 acre.
- Present Property Use: Gas/Convenience/Auto Care
- Proposed Property Use: Gas/Convenience/Auto Care

II. INTRODUCTION

The property owners are requesting variances of subject site in order to make substantial improvements to both the site and existing building in order to update to today's standards.

The proposed improvements if the Board approves variances will be between \$450,000.00 Dollars to \$500,000.00 Dollars and will consist of a total interior and exterior renovation of the existing building and new addition. Re-work site to not only meet but exceed the 30% open/green requirement, provide parking and circulation to meet code, comply with handicap standards, comply with building and site lighting standards, irrigation, drainage and general overall aesthetic improvements.

The site contains three (3) existing 10,000 gallon underground fiberglass tanks along with Phase II vapor recovery systems installed 5 years ago in 1994 that are in complete compliance with all governing regulations. The value of this existing underground equipment is \$172,000.00 dollars.

The property owners purchased this property almost sixteen (16) years ago in 1984 and have since been part of the Town of Davie business community and wish to renovate and continue doing business in this Stirling Road area which is beginning to grow and develop.

III. SITE/BUILDING HISTORY

This particular site was platted 40 years ago on June 23, 1960 as part of lands situated in the County of Broward and years later via legislative procedure said lands were annexed to be included within the boundaries of the Town of Davie.

The existing building was originally permitted and built in the early 1960's through the governing jurisdiction of Broward County. In 1980 the building underwent renovations and improvements including the incorporation of a "Western Theme" motif façade as required in those days by Mr. Sam Engel,

A.I.A., Architect. The Town of Davie bestowed upon the building a landmark plaque for its Western Theme look.

The site no longer is within the Western Theme designated overlay district and after 20 years the building is in need of new renovations.

The site is situated in the eastern stretches of the Towns boundaries and is bordered to the south by the City of Hollywood.

IV. VARIANCES BEING REQUESTED

Throughout the forty-year history of this site and building it has always served as a local community station when part of Broward County and later within the Town of Davie.

In order to renovate and improve the property three (3) variances are required from the current land development code from the Town of Davie's latest revised edition (10/11/98).

They are as follows:

No. 1 – Section 12-34 Y (1) Street Frontage and Area

District B3	Min. lot area	-	43,560 s.f.
	Existing lot area	-	26,250 s.f.

No. 2 – Section 12.207 (D) 5 A. Required landscape buffer adjacent to public right of ways.

- Arterial and collector streets shall have 20'-0" wide buffer.
- Requested: In 175.0' of property frontage a distance of 68.0' shall be 3.0'; the balance of front shall meet and exceed with minimum buffer at 23.50'.

No. 3 – Section 12-34 Y (2) Location of Service Stations

- 250.0' separation from residential areas.

- Existing rear property line of subject site is approximately 200 from residential property to the South, which is located in the City of Hollywood. The land South of property is part of the Town of Davie and is zoned B-2.

V. SUMMARY

In order to improve, renovate and make capital improvements to subject site and the structure the variance request needs to be approved.

It is our opinion there are specific and special circumstances applying to the property for which the variances are sought. Denial of the variances would deprive the applicant the use of the property, existing building and existing underground equipment. The hardship caused if variances are not granted would cause the property owner substantial financial losses and render the property, building and existing equipment useless. All of which was not self created by the owner, but via consequences of changes in development regulations throughout the years.

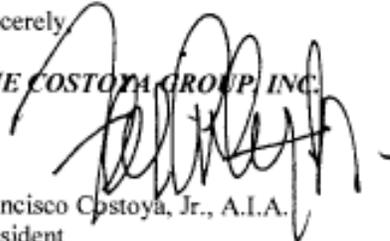
We feel in no way will the granting of the variances be detrimental to the surrounding neighborhood or public welfare but in the contrary will provide new and substantially improved facilities to serve the surrounding local communities as it has in the past forty (40) years.

Your consideration and approval of the variances is respectfully requested so the site plan approval process can continue and ultimately permitting and construction of said improvement.

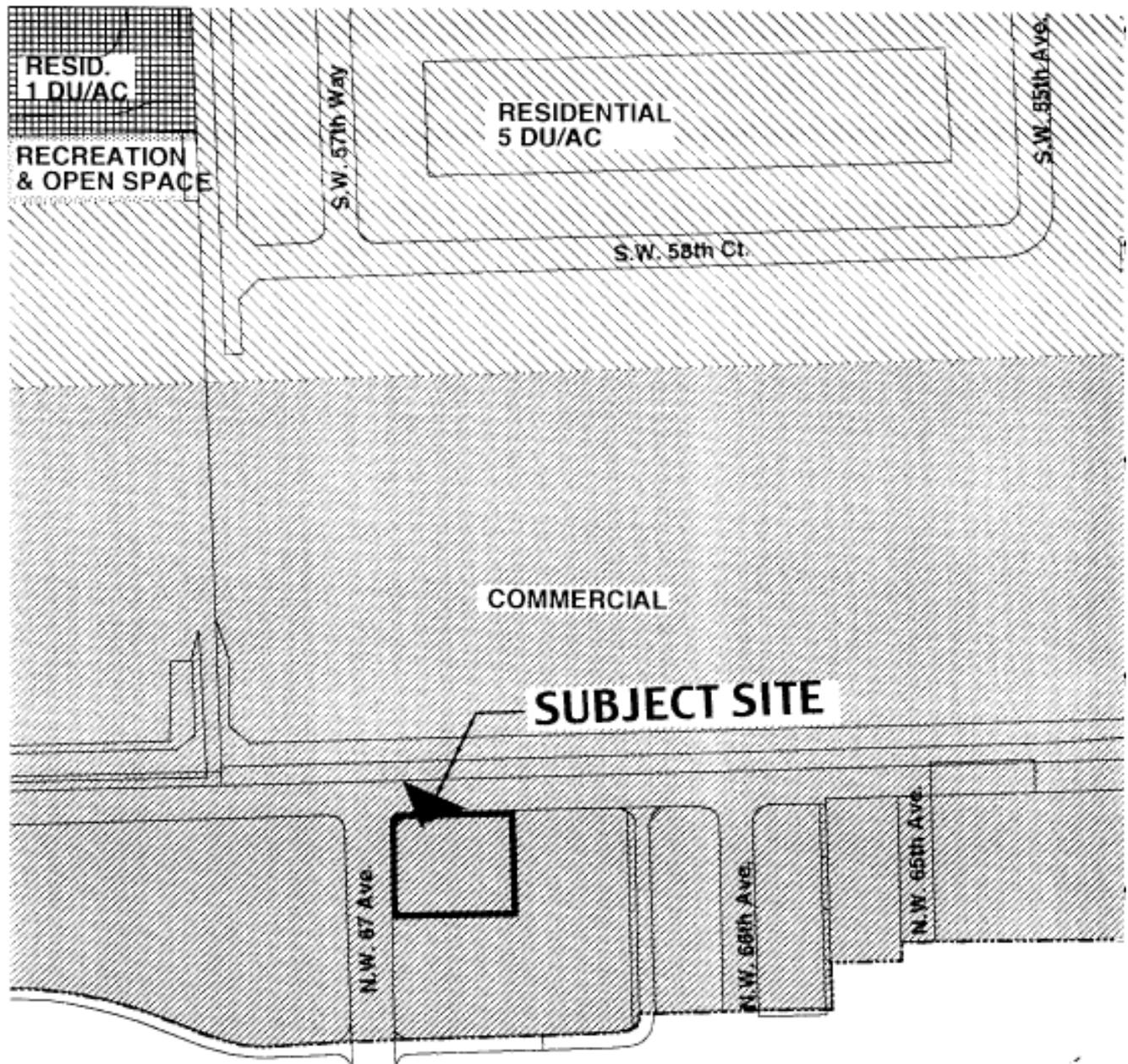
I look forward in presenting our thoughts personally at the scheduled meetings.

Sincerely

THE COSTOYA GROUP INC.


Francisco Costoya, Jr., A.I.A.
President

FC:ac

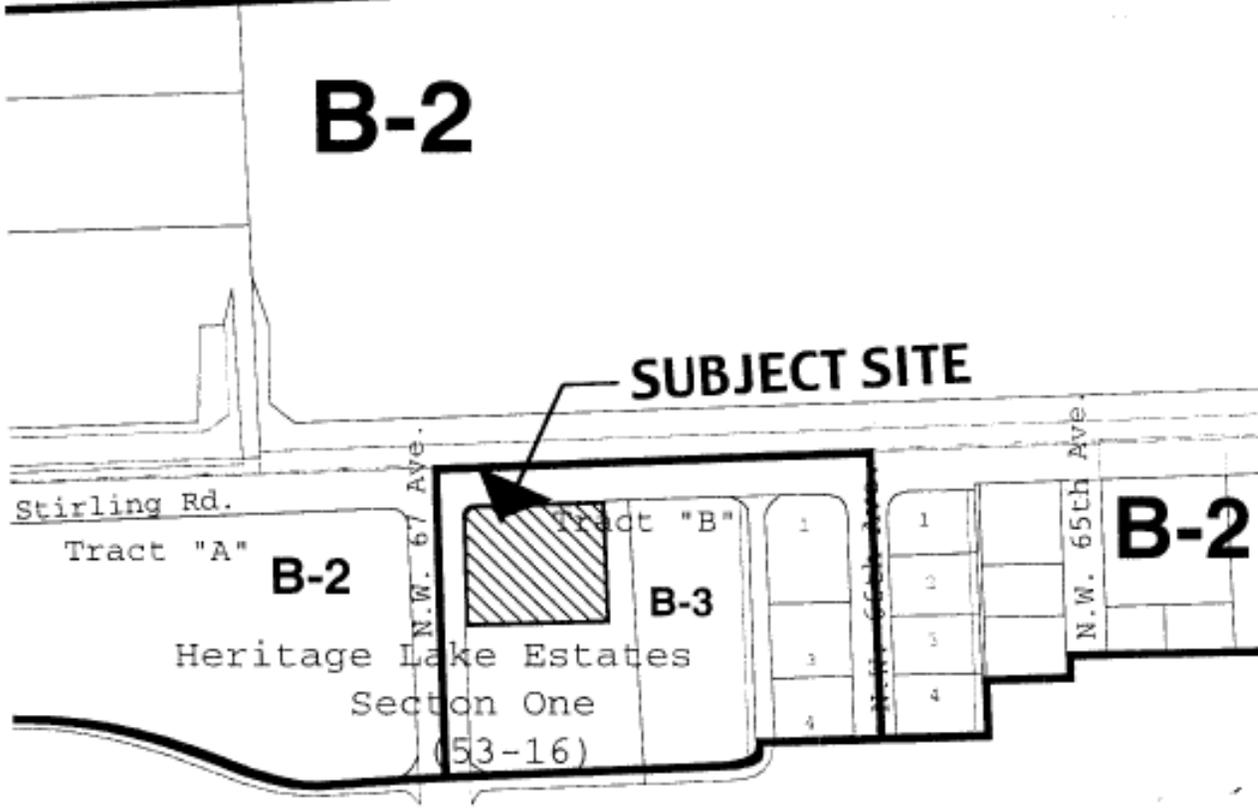
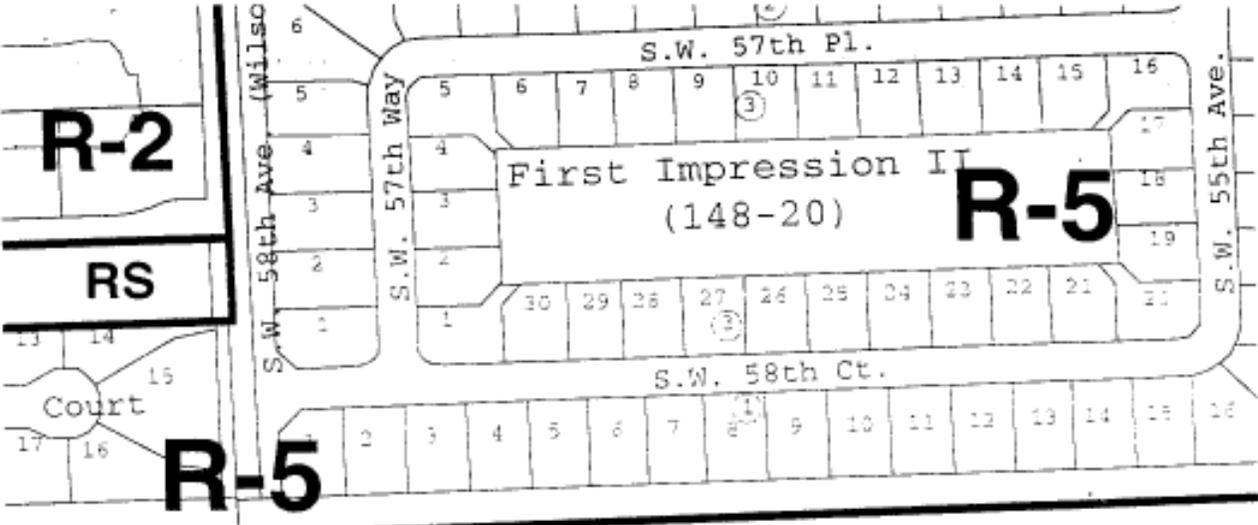


PETITION NUMBER
V 8-2-99

Source: Town of Davie Future Land Use Map

PREPARED 9/7/99 Scale: 1"=200'
BY THE PLANNING & ZONING DIVISION

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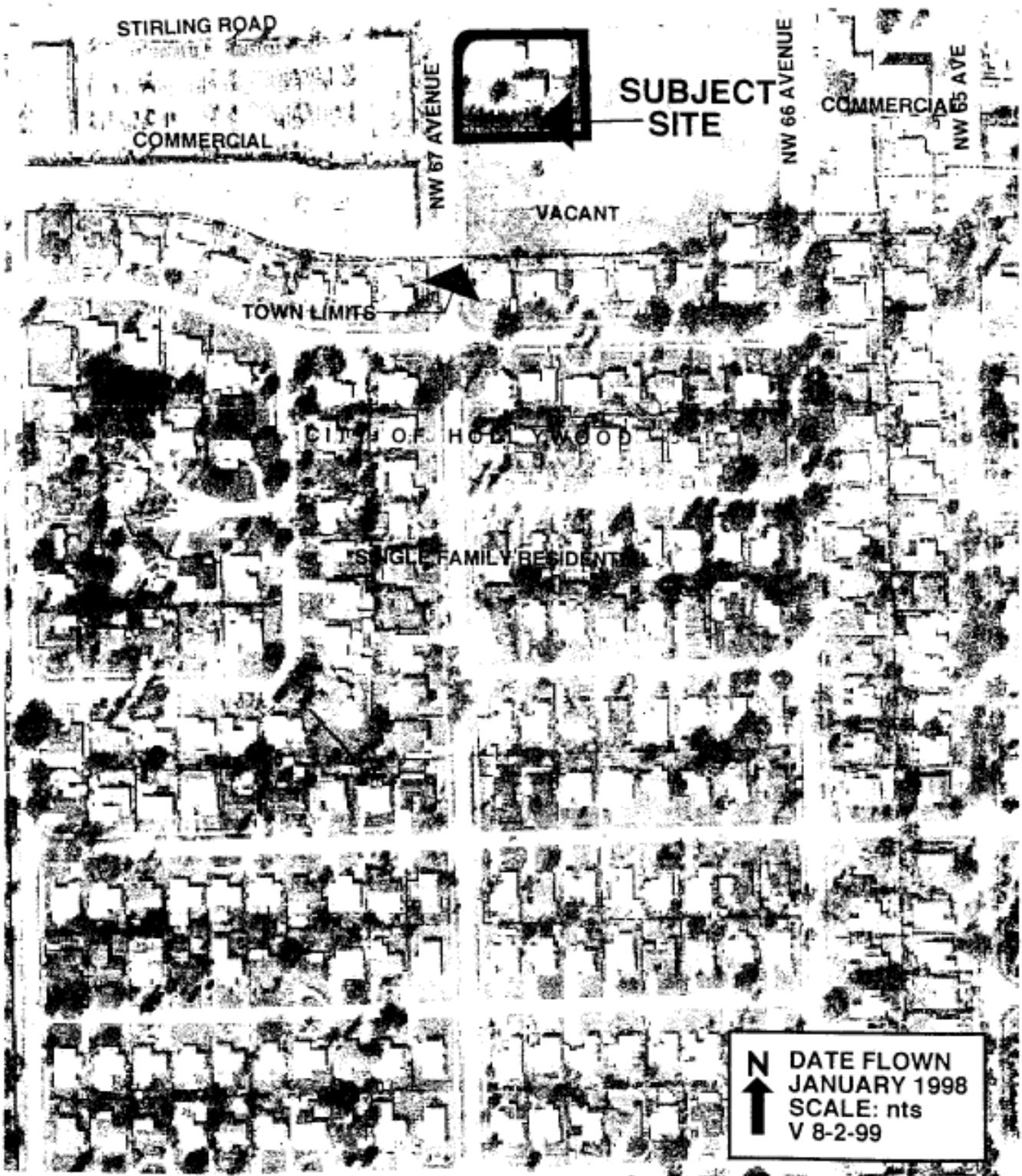


PETITION NUMBER
V 8-2-99

PREPARED 9/7/99 BY THE PLANNING & ZONING DIVISION

Scale: 1" = 200'

N
4



STIRLING ROAD

COMMERCIAL

NW 67 AVENUE



SUBJECT SITE

NW 66 AVENUE

COMMERCIAL

NW 65 AVE

VACANT

TOWN LIMITS

CITY OF HOLLYWOOD

SINGLE FAMILY RESIDENT

N
↑
DATE FLOWN
JANUARY 1998
SCALE: nts
V 8-2-99